

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|-------------------------------------|---|---|---------------------------------|
| Investigator: Owen Godshall | Team: Squad #15 | CCRB Case #: 202003707 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Friday, 05/29/2020 11:36 PM | Location of Incident: Tompkins Avenue and Greene Avenue | Precinct: 79 | 18 Mo. SOL 11/29/2021 | EO SOL 5/4/2022 | |
| Date/Time CV Reported Sat, 05/30/2020 1:31 AM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sat, 05/30/2020 1:31 AM | | |

| Complainant/Victim | Type | Home Address |
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| Witness(es) | Home Address |
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| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. Officers | | | |
| 2. POM Thomas Bay | 13631 | 960217 | 079 PCT |
| 3. An officer | | | |
| 4. POM Mohamed Elhanafi | 15082 | 955897 | 079 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. SGT Gregg Minardi | 00608 | 940475 | 090 PCT |
| 2. POM Ryan Dillon | 11472 | 966034 | 079 PCT |
| 3. SGT Mark Perrault | 04070 | 937275 | 079 PCT |
| 4. POM Anthony Bomparola | 15054 | 955761 | 079 PCT |
| 5. SGT Frederick Manney | 04797 | 949938 | 090 PCT |
| 6. POM Shaquille Stvalle | 04687 | 966872 | 079 PCT |
| 7. DI Timothy Skretch | 00000 | 926130 | 079 PCT |
| 8. INS Edward Caban | 00000 | 900040 | PBBN |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------|--|-----------------------------|
| A. Officers | Force: Officers struck § 87(2)(b) with batons. | |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| B. Officers | Force: Officers struck individuals with batons. | [REDACTED] |
| C. An officer | Force: An officer used physical force against § 87(2)(b) | [REDACTED] |
| D. An officer | Force: An officer used physical force against § 87(2)(b) | [REDACTED] |
| E. An officer | Force: An officer used physical force against § 87(2)(b) | [REDACTED] |
| F. An officer | Discourtesy: An officer spoke discourteously to § 87(2)(b) | [REDACTED] |
| G. Officers | Abuse: Officers refused to provide their shield numbers to § 87(2)(b) | [REDACTED] |
| H. Officers | Force: Officers struck § 87(2)(b) with batons. | [REDACTED] |
| I.POM Mohamed Elhanafi | Force: Police Officer Mohamed Elhanafi used physical force against § 87(2)(b) | [REDACTED] |
| J.POM Mohamed Elhanafi | Force: Police Officer Mohamed Elhanafi used physical force against § 87(2)(b) | [REDACTED] |
| K. Officers | Force: Officers used physical force against § 87(2)(b) | [REDACTED] |
| L. An officer | Abuse: An officer threatened § 87(2)(b) with the use of force. | [REDACTED] |
| M.POM Thomas Bay | Force: Police Officer Thomas Bay used physical force against § 87(2)(b) | [REDACTED] |
| N.POM Thomas Bay | Discourtesy: Police Officer Thomas Bay spoke discourteously to § 87(2)(b) | [REDACTED] |
| [REDACTED] | § 87(2)(g), § 87(4-b) | [REDACTED] |
| § 87(2)(b) | § 87(2)(g), § 87(4-b) | [REDACTED] |

Case Summary

On May 30, 2020, § 87(2)(b) and § 87(2)(b) filed separate complaints regarding the same incident with the CCRB via the website. On June 3, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB via the website. On June 5, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB via the website. On June 19, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB via the website.

On the evening of May 29, 2020, a group of protesters, which included the complainants as well as § 87(2)(b) and § 87(2)(b) gathered at the intersection of Tompkins Avenue and Greene Avenue in Brooklyn, in front of the 79th Precinct stationhouse. Numerous officers from the 79th Precinct, including Deputy Inspector Timothy Skretch, Police Officer Thomas Bay and Police Officer Mohamed Elhanafi, gathered in front of the stationhouse. Inspector Caban of Patrol Borough Brooklyn North was also present. At approximately 11:36 p.m., the officers dispersed the protesters from the intersection. In doing so, they allegedly used physical force against several individuals while doing so, including striking them with batons (**Allegations A and B: Force – Nightstick as club**, § 87(2)(g) and pushing them (**Allegations C, D and E: Force – Physical force**, § 87(2)(g)). An officer also allegedly told § 87(2)(b) “Get the fuck out of here” (**Allegation F: Discourtesy – Word**, § 87(2)(g)). Officers also allegedly refused to provide their shield numbers to § 87(2)(b) (**Allegation G: Abuse of Authority: Refusal to provide shield number**, § 87(2)(g)).

Officers also allegedly struck § 87(2)(b) with batons (**Allegation H: Force – Nightstick as club**, § 87(2)(g)). Police Officer Elhanafi then allegedly pushed § 87(2)(b) to the ground (**Allegation I: Force – Physical force**, § 87(2)(g)). Police Officer Elhanafi and several other officers then forced § 87(2)(b) to the ground (**Allegations J and K: Force – Physical force**, § 87(2)(g)).

An officer allegedly threatened to strike § 87(2)(b) with a baton (**Allegation L: Abuse of Authority – Threat of force**, § 87(2)(g)). Police Officer Thomas Bay then punched § 87(2)(b) in the face (**Allegation M: Force – Physical force**, § 87(2)(g)). He also allegedly cursed at § 87(2)(b) (**Allegation N: Discourtesy – Word**, § 87(2)(g)).

§ 87(2)(b) and § 87(2)(b) were both arrested and charged with disorderly conduct, obstructing governmental administration and resisting arrest (Board Review #01-02).

§ 87(2)(g), § 87(4-b)

This complaint resulted from the 2020 police brutality protests.

The investigation obtained cell phone video from several of the civilians. § 87(2)(b) provided two videos. They were originally attached in IAs #19-20, but new versions were later re-attached in IAs #232-233 after the originals automatically deleted after 30 days (Board Review #03-04). They were summarized in IA #34 (Board Review #05). § 87(2)(b) provided a clip, attached in IA #81 (Board Review #06) and summarized in IA #104 (Board Review #07). § 87(2)(b) provided a video, attached in IA #135 (Board Review #08) and summarized in IA #155 (Board Review #09). Finally, § 87(2)(b) provided a video, attached in IA #141 (Board Review #10) and summarized in IA #156 (Board Review #11). No other video footage, including BWC footage, was found for this incident (Board Review #12-13).

Findings and Recommendations

Allegation (A) Force: Officers struck § 87(2)(b) with batons.

Allegation (B) Force: Officers struck individuals with batons.

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

Allegation (E) Force: An officer used physical force against § 87(2)(b)

Allegation (F) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (G) Abuse of Authority: Officers refused to provide their shield numbers to § 87(2)(b)

Known Facts and General Descriptions

§ 87(2)(b) and § 87(2)(b) were interviewed by the CCRB on June 5, 2020. § 87(2)(b) was interviewed by the CCRB on June 9, 2020. § 87(2)(b) was interviewed by the CCRB on June 18, 2020. He provided a written statement on June 22, 2020 (Board Review #14). § 87(2)(b) was interviewed by the CCRB on June 24, 2020. § 87(2)(b) was interviewed by the CCRB on June 25, 2020. § 87(2)(b) was interviewed by the CCRB on July 6, 2020. § 87(2)(b) was interviewed by the CCRB on July 7, 2020. § 87(2)(b) was interviewed by the CCRB on July 8, 2020.

The investigation identified three additional witnesses: § 87(2)(b) and § 87(2)(b). The investigation was unable to obtain statements from any of them (Board Review #14).

It is undisputed that on the evening of May 29, 2020, a group of civilians gathered at the intersection of Tompkins Avenue and Greene Avenue in Brooklyn to protest against police brutality. The protesters were positioned on the north-west corner of the intersection, in front of Herbert Von King Park. The park is surrounded by a metal fence. The 79th Precinct stationhouse is located on south-east corner of the intersection, opposite the park. A large group of officers gathered in front of the stationhouse, facing the protesters. At approximately 11:30 p.m., the officers advanced on the protesters and pushed them back to disperse them from the corner. Several of the officers carried batons as they dispersed the crowd. Some of the protesters retreated into the park, while others went north on Tompkins Avenue. Four of the protesters were arrested: § 87(2)(b), § 87(2)(b), and § 87(2)(b). None of the other protesters were arrested or issued summonses.

§ 87(2)(b) and § 87(2)(b) stated that a few minutes before the officers advanced on the protesters, an unidentified male protester either threatened to throw a rock at the officers or suggested to the other protesters that they throw rocks. None of them knew who the male was. They denied that the male or any other protesters threw anything at the police. The unidentified male was not arrested during the incident. Neither § 87(2)(b) nor § 87(2)(b) mentioned any individuals threatening to throw rocks in their statements.

§ 87(2)(b) is a black female. She stated that when the officers advanced on the protesters, they pushed several people back. They did not give any verbal commands while doing so. She was not able to describe any of the officers involved in the incident. § 87(2)(b) noticed several officers push a Hispanic male to the ground and strike him several times with batons. § 87(2)(b) did not recall how many officers hit the male, how many times they hit the male, or what part of his body they

hit. She also saw an officer strike a white female wearing dark clothing three or four times on her upper torso with a baton. Another officer then pushed the female from behind, causing her to fall to the ground. The female then got up and ran away. § 87(2)(b) then noticed another protester, described as a heavyset black male, lying on the ground. She did not see how he came to be in that position. She initially stated that several officers were “on top” of him, but she could not describe the specific actions that the officers took against this male while he was on the ground.

§ 87(2)(b) is a white female. She stated that she wore a white T-shirt during the incident. When the officers advanced on the protesters, several of them struck § 87(2)(b) on her chest, back and shoulders with batons, causing a bruise to her lower back. § 87(2)(b) estimated that she was struck five or six times in total. She estimated that about six or seven officers struck her. She was only able to describe three of these officers: an approximately 6’3” tall white male with gray hair, an approximately 5’2” tall black or Hispanic female, and an approximately 5’7” tall Afro-Latino or South Asian male. She could not describe any of the other officers who hit her. § 87(2)(b) asked all of the officers for their shield numbers. The officers told her to keep moving. They did not provide their shield numbers. § 87(2)(b) then noticed a group of officers surrounding an Asian female who was lying on the ground. She did not see how this female came to be on the ground. A group of officers surrounded the female and struck her several times with a baton. She did not recall how many times the officers struck her. She noticed that at least one of the blows landed on the female’s head. § 87(2)(b) could not describe these officers. She then noticed another group of officers striking a white male on the back with batons as he fled from them. The officers then forced the male to the ground. § 87(2)(b) did not see how the officers brought the male to the ground. The officers struck the male several more times once he was on the ground. § 87(2)(b) could not describe these officers either. She then saw an officer push § 87(2)(b) face-first against the park’s fence. She could not describe this officer either. After § 87(2)(b) and the other civilians fled from the intersection, § 87(2)(b) noticed the Asian female again. She now had a laceration on one of her knees.

§ 87(2)(b) is a white female. She stated that she wore a black dress and black T-shirt during the incident. When the officers advanced on the protesters, § 87(2)(b) turned away from them and started walking away. An officer then placed a hand and a baton against § 87(2)(b)’s back and pushed her from behind, holding her against the fence around the park. The officer held § 87(2)(b) in this position for about ten to fifteen seconds. She was not injured by this action. § 87(2)(b) did not see which officer pushed her, but noted that there had been a uniformed officer, described as an approximately 6’ tall white male with brown hair, standing near her earlier. Once § 87(2)(b) was released, she followed several other protesters who retreated into the park. § 87(2)(b) noticed officers push about five civilians against the fence. She also saw officers strike eight to ten other civilians, knocking them to the ground. § 87(2)(b) did not know who these civilians were. She did not describe any of these officers. § 87(2)(b) later saw one of the civilians who was struck with a baton. This civilian, a female, had a laceration on her right knee. § 87(2)(b) also observed a uniformed officer, described as a slim white male with brown hair, chase after an unidentified female. This officer told the female, “Shut the fuck up.”

§ 87(2)(b) is a female. She did not indicate her race or ethnicity. She stated that she wore a green top and jeans during the incident. When the officers advanced, a uniformed officer, described as an approximately 5’10” tall white male, about 35 years old, with a heavyset build and a helmet, walked up behind her and used his baton to push against her lower back. This caused § 87(2)(b) to stumble forward into a nearby parked car. She was not injured by this action. § 87(2)(b) then walked away from the intersection. As she walked, she noticed officers push several other civilians. She did not pay close attention to these individuals and did not clearly observe the contact the officers made. She also saw several civilians lying on the ground. § 87(2)(b) did not know how

they came to be on the ground. Various officers lifted these civilians to their feet and started walking them towards the stationhouse. § 87(2)(b) did not see officers strike any individuals, including with batons. She did not observe any injuries to any civilians.

§ 87(2)(b) is a white male. He attended the protest with his girlfriend, § 87(2)(b). § 87(2)(b) alleged that he was the victim of several force allegations when the officers advanced on the protesters. These allegations are discussed in further detail below. § 87(2)(b) lost sight of § 87(2)(b) briefly. He did not see what happened to her during this time, but § 87(2)(b) later told him that a police officer had grabbed her forcibly by one of her biceps. The officer gripped her tightly enough to cause a bruise there. § 87(2)(b) then saw § 87(2)(b) again by a bus stop located on Tompkins Avenue, between Greene Avenue and Lafayette Avenue. A male officer then pushed § 87(2)(b) to the ground. § 87(2)(b) was not able to describe the officer in further detail. He did not recall if the officer pushed her using his hands or his baton. He did not see how § 87(2)(b) landed, but recalled that she suffered scrapes to her right knee and right elbow. § 87(2)(b) did not observe officers using force against any other civilians.

§ 87(2)(b) is a white female. She stated that she wore a black shirt, black shorts and a red scarf during the incident. When the officers advanced on the protesters, she and an unidentified male tried to evade them by climbing the park fence. She described the male as having dark skin and short hair. From the fence, § 87(2)(b) observed officers push two or three protesters to the ground. She did not clearly see how the officers brought them to the ground. Other officers struck seven or eight protesters using their batons. She could not tell which parts of the protesters' bodies they struck and did not know if any of the officers struck protesters on their heads. She did not describe these officers. Another officer, described only as a white male, grabbed her by her left wrist and pulled her from the fence, causing her to fall to the ground on her left side. She believed that the officer also kicked her once or twice on her thighs while she was on the ground but was not certain of this. § 87(2)(b) moved away from the officers, traveling north on Tompkins Avenue, where she reunited with § 87(2)(b). A group of about four officers then pushed her from behind, shoving her by placing both hands in the middle of her back. § 87(2)(b) could not describe these officers. § 87(2)(b) fell face-down onto the ground. Another officer, whom she also could not describe, then grabbed her by her left bicep. The officer lifted her to her feet. § 87(2)(b) then left. § 87(2)(b) suffered bruising to her left bicep and scrapes to her left ankle, knee and elbow as a result of the force used against her.

§ 87(2)(b) is a white female. She did not describe her clothing. She stated that when the officers advanced on the protesters, several officers swung their batons at some of the protesters. She did not recall if any of those officers struck any of the protesters. Two officers then pushed an unidentified black male to the ground. § 87(2)(b) could not describe these officers. An officer then approached § 87(2)(b) and told her, "Get the fuck out of here." § 87(2)(b) was holding up her cell phone to record the incident at the time. This officer pushed the phone back, causing it to strike against § 87(2)(b)'s face. The impact caused a bump on one of § 87(2)(b)'s cheeks. § 87(2)(b) described this officer as a white or Hispanic male over 6' tall. § 87(2)(b) then walked into the park, where she observed § 87(2)(b)'s arrest. She did not observe officers use force against any other individuals.

§ 87(2)(b) is a white male. He did not describe his clothing. He stated that when the officers advanced on the civilians, the officers pushed them back using their hands and the sides of their batons. He denied seeing any officers strike any of the protesters with their batons. § 87(2)(b) initially stated that he saw officers force several people to the ground. Later, he clarified that he only personally saw officers force § 87(2)(b) to the ground, but that § 87(2)(b) and § 87(2)(b) later told him that they were pushed to the ground. § 87(2)(b) had not seen officers push

either of them himself.

§ 87(2)(b) is a white female. She did not describe her clothing. She also stated that officers pushed the protesters back when they advanced using their hands and the sides of their batons. She denied seeing any officers strike any protesters with batons. Two officers, whom § 87(2)(b) could not describe, pushed § 87(2)(b) and § 87(2)(b) from behind using their hands to move them away from the corner but did not knock either to the ground. § 87(2)(b) later observed officers force § 87(2)(b) to the ground. She did not observe officers force any other individuals to the ground besides him.

§ 87(2)(b) is a Hispanic male. He stated that he wore a gray Knicks sweatshirt, gray sweatpants and purple shoes during the incident. When the officers advanced, they pushed several protesters back by pressing the sides of their batons against them. § 87(2)(b) did not see any officers strike protesters with their batons. § 87(2)(b) was then arrested. He made several force allegations related to his arrest, which are discussed below. While he was being arrested, § 87(2)(b) noticed several officers push a white female with blond hair who was wearing an olive-colored shirt and jean shorts to the ground. He could not describe the officers who pushed her or what specific contact the officers made with her. He did not see if the officers made further contact with her once she was on the ground. § 87(2)(b) did not observe officers using any further force towards the protesters.

§ 87(2)(b) and § 87(2)(b) provided numerous videos and photographs of the incident that they recorded with their cell phones (Board Review #16-25). The photographs depict numerous uniformed officers standing at the intersection prior to the dispersal of the protesters.

Several of the videos depict officers using physical force and profanity against various protesters. A few of these clips correspond to § 87(2)(b)'s arrest by a bus stop on Tompkins Avenue. Those clips are discussed below. The victims in other clips, however, appeared to depict other interactions that took place during the protest.

One of § 87(2)(b)'s videos, labeled as "IMG_2614.mp4" and attached in IA #135, shows a group of unidentified officers pushing § 87(2)(b) to the ground. It is unclear where this video takes place. The officers and the civilian are poorly illuminated and cannot be seen clearly (Board Review #08). One of § 87(2)(b)'s videos, attached in IA #232, takes place shortly after § 87(2)(b)'s arrest by the bus stop on Tompkins Avenue (Board Review #03). At 0:07 into this recording, an unidentified officer strikes an unidentified individual twice on the side of their body using a baton. At 1:50 into the recording, an unidentified officer states, "Back the fuck up." At 2:30 into the recording, an unidentified officer states, "Bro, get the fuck out of here." Another unidentified officer states, "Turn around and get the fuck out of here." § 87(2)(b)'s second video, which takes place immediately after her first video, is attached in IA #233 (Board Review #04). At 0:28 into this recording, an unidentified officer states, "Back the fuck up."

BWC

No BWC footage was found for this incident (Board Review #12-13).

NYPD Documents Reviewed

A review of arrest reports found four individuals who were arrested during this incident: § 87(2)(b) and § 87(2)(b) (Board Review #01-02, #25-26). These

arrest reports identified the officers who brought these three individuals into police custody. The allegations made against the officers who arrested § 87(2)(b) and § 87(2)(b) are discussed below. The investigation found no evidence suggesting that § 87(2)(b) was one of the unidentified victims identified in these allegations. As such, his arresting officer could not be identified as a subject officer in any of these allegations. § 87(2)(g)

According to the detail rosters obtained from Patrol Borough Brooklyn North, there were 59 separate details active in the patrol borough during the protests that took place on May 29, 2020. Each detail consisted of eight officers along with a supervisor. The rosters list the officers and supervisors assigned to each detail, but do not specify where the details traveled during the course of their tours. It is therefore unclear which, if any, of these details was present at the 79th Precinct stationhouse (Board Review #27).

Concurrent Investigations

There are no concurrent investigations by any other agencies.

Ranking Officers

The highest-ranking officers identified as being present during this incident were Inspector Caban, who was assigned to an administrative post at Patrol Borough Brooklyn North, and Deputy Inspector Skretch, who was the commanding officer of the 79th Precinct. No other officers of similar or higher rank were identified.

Officers Interviewed

Police Officer Bay was interviewed by the CCRB on August 13, 2020. Police Officer Elhanafi was interviewed by the CCRB on September 15, 2020. Deputy Inspector Skretch was interviewed by the CCRB on September 30, 2020. Inspector Caban was interviewed by the CCRB on November 16, 2020.

Police Officer Bay and Police Officer Elhanafi stated that they and a large group of officers from the 79th Precinct were assigned to guard the stationhouse in response to the protests going on in Brooklyn that night. The 79th Precinct officers were joined by numerous officers from outside commands who had been assigned to protest-related details. Police Officer Bay estimated that there were about 60 officers present, while Police Officer Elhanafi estimated that there were 20 to 25.

Deputy Inspector Skretch stated that he was off duty at home on the night of May 29, 2020. He was then contacted by Chief Jeffrey Maddrey, the commanding officer of Patrol Borough Brooklyn North, who told him that a group of protesters was traveling from the 88th Precinct stationhouse to the 79th Precinct stationhouse. Chief Maddrey told Deputy Inspector Skretch to go to the stationhouse to assist in responding to the protests. He noted that “mobile field forces” would be sent to the stationhouse to assist. Deputy Inspector Skretch explained that a mobile field force is a group of approximately 50 officers, including about ten supervisors. Chief Maddrey did not identify the mobile field forces that would be present, or how many would be sent to the stationhouse. Deputy Inspector Skretch did not recall Chief Maddrey providing him with any specific directions on how to handle the protesters. Chief Maddrey did not travel to the stationhouse himself. When he arrived, he found 75 to 100 officers in front of the stationhouse. While he recognized some from the command, he noted that many appeared to be from outside commands based on their collar brass.

Inspector Caban stated that he was assigned to an administrative assignment within Patrol Borough Brooklyn North on May 29, 2020. He was not involved in planning or supervising the patrol borough's response to the protests that night. He decided to go out into the field to monitor the police response to the protests. He denied that he was directed to do so by any other officer. Inspector Caban was accompanied by unidentified officer who drove him around in a black unmarked SUV. Eventually, Inspector Caban passed by the 79th Precinct stationhouse, where he noticed a large group of officers gathered outside. The only officer he recognized was Deputy Inspector Skretch.

Police Officer Elhanafi and Deputy Inspector Skretch both stated that while the officers were gathered in front of the stationhouse, an unidentified protester threatened to throw a rock at one of the officers. They did not recall which officer the male threatened. Police Officer Bay and Inspector Caban stated that they were told about the male with the rock after the incident but did not hear him threaten an officer. Police Officer Bay did not recall who told him about the male. Inspector Caban stated that he learned about the threat from Deputy Inspector Skretch.

Police Officer Bay stated that at some point after the male allegedly threatened officers with a rock, the gathered officers advanced on the protesters to disperse them from the corner. He was not aware of any one officer making the decision to disperse the crowd or instructing the other officers on how to handle the crowd. Police Officer Elhanafi stated that two or three minutes after the male threatened to throw the rock, an unidentified officer standing behind him ordered the officers to disperse the crowd. The officer did not provide any further instructions on how to disperse the crowd. Deputy Inspector Skretch stated that the officers moved to disperse the crowd from the intersection as soon as the unidentified male threatened to throw the rock. He denied that the officers were instructed to do so by himself or any other officer, indicating instead that they reacted "instinctually." Inspector Caban stated that as soon as he arrived at the stationhouse, he saw officers grab at the protesters while protesters ran away from the intersection. He did not recall the order in which these actions took place and did not know if the police or the protesters initiated these actions. He was not aware of any officers discussing how to disperse the crowd beforehand and was not aware of any officers ordering the officers to disperse the protesters.

Each of the four officers stated that once the officers gathered at the intersection advanced towards the protesters and started to disperse them, their attention was drawn to specific protesters. Police Officer Elhanafi's attention was drawn to § 87(2)(b) and § 87(2)(b). Police Officer Bay noticed an officer struggling with § 87(2)(b) and both Inspector Caban and Deputy Inspector Perez noticed officers struggling with § 87(2)(b). The officers focused on these individual protests, ultimately resulting in § 87(2)(b)s, § 87(2)(b)s and § 87(2)(b)s arrests. All four officers stated that their attention was focused on the protester that they were directly engaged with, and that they did not clearly recall what the other officers and protesters were doing. They were not aware of officers using physical force against any of the protesters beyond § 87(2)(b) and § 87(2)(b). Police Officer Bay and Police Officer Elhanafi stated that they observed officers advance towards the protesters while holding their batons horizontally in front of their torso, but they did not observe officers using the batons. None of the interviewed officers were aware of any other officers forcing other protesters to the ground or striking them with batons. They were not aware of officers cursing at any protesters or refusing to provide their shield numbers.

All four officers interviewed were shown the video footage and photographs provided by the civilians. Police Officer Elhanafi identified himself in one of the photographs taken shortly before the officers advanced on the civilians. Neither he nor any of the other officers, however, were able to identify any of the other officers depicted. None of them identified the officers depicted in the cell phone videos striking protesters with batons or using profanity.

Disposition

§ 87(2)(g) It is undisputed that there were dozens of police officers and protesters present during the incident. The particular officers who were present during the incident could not be fully established. The officers who were interviewed were identified through the arrest paperwork that they generated for the few protesters who were taken into custody. Most of the officers were not identified in the arrest paperwork. The detail rosters, which listed the officers from the patrol borough who were assigned to respond to the borough-wide protests taking place on May 29, 2020, do not identify where the individual details worked over the course of the night.

§ 87(2)(g) . Most of the protesters did not know each other and were therefore unable to clearly identify who the victims were. They were also unable to provide clear descriptions to distinguish between the officers. It is unclear whether some of the victims described in the civilian statements might have been the same individuals seen from different perspectives or at different moments during the incident.

Video footage showed multiple instances of officers using physical force and profanity against civilians.

Because none of the victims involved in these particular allegations were arrested, there was no paperwork generated to document which officers interacted with them. Police Officer Bay, Police Officer Elhanafi, Deputy Inspector Skretch and Inspector Caban were all present at the time, but they each stated that they were occupied with the arrests of § 87(2)(b) and § 87(2)(b). There is no indication in any of the civilian testimony, photographs, video or police documentation that these officers had any direct interactions with the victims of these allegations.

§ 87(2)(g)

Allegation (H) Force: Officers struck § 87(2)(b) with batons.

§ 87(2)(b) stated that he was wearing sandals at the time of the incident. He and § 87(2)(b) lost sight of each other shortly before the officers advanced towards the protesters and told them to disperse. When the officers approached, § 87(2)(b) turned to walk away. One of his sandals, however, fell off. When § 87(2)(b) stopped to retrieve it, an officer struck him from behind with a baton, knocking him to the ground. § 87(2)(b) did not see and could not describe this officer. He could not tell where on his body the blow landed. Once on the ground, § 87(2)(b) curled up into a fetal position, with his back turned upwards towards the officer. Several officers, whom § 87(2)(b) could not describe, stood over him. He felt several more baton strikes on his back and thighs, but he could not tell which officer or officers struck him or how many times he was hit. Two officers, whom he also could not describe, then lifted § 87(2)(b) to his feet and pushed him forward. § 87(2)(b) now barefoot, walked north along Tompkins Avenue. He was arrested by a different group of officers a short time later after he caught up with § 87(2)(b).

§ 87(2)(b) also stated that she and § 87(2)(b) were separated at the moment when officers advanced on the protesters. She did not see § 87(2)(b) again until later in the incident, when they met up by the bus stop along Tompkins Avenue. § 87(2)(b) did not see what happened to § 87(2)(b).

§ 87(2)(b) when they were separated but was later informed that officers had struck him on his legs with batons.

§ 87(2)(b) and § 87(2)(b) all described § 87(2)(b)'s later arrest by Police Officer Elhanafi further up Tompkins Avenue. They were unaware of § 87(2)(b) prior to his arrest and did not know what happened to him earlier in the incident.

§ 87(2)(b) and § 87(2)(b) all described officers pushing protesters to the ground and striking them with batons. They did not describe these individuals in detail. It is unclear whether any of these individuals were § 87(2)(b).

§ 87(2)(b) stated that he and § 87(2)(b) were both arrested during the incident and lodged inside a holding cell together inside the stationhouse. § 87(2)(b) did not witness § 87(2)(b)'s arrest. He noticed that § 87(2)(b) had bruises on his leg, back and arms. § 87(2)(b) told § 87(2)(b) that officers had struck him repeatedly with batons during his arrest.

Police Officer Elhanafi stated that he first encountered § 87(2)(b) later in the incident, after § 87(2)(b) and § 87(2)(b) reunited on Tompkins Avenue. He denied seeing officers knock § 87(2)(b) to the ground or strike him with batons prior to that encounter.

Police Officer Bay stated that he first encountered § 87(2)(b) inside the stationhouse, after Police Officer Elhanafi took him into custody. He had not seen § 87(2)(b) outside the stationhouse. He was not informed of any force that might have been used against § 87(2)(b) earlier in the incident. He did not recall observing any injuries to § 87(2)(b).

Deputy Inspector Skretch and Inspector Caban stated that they only witnessed and participated in § 87(2)(b)'s arrest during the incident. They denied seeing officers use physical force, including baton strikes, against any other civilians during the incident.

None of the video footage provided by the civilians depicts this portion of the incident.

As discussed above, due to the scale of the police response to the citywide protests on May 29, 2020, the large number of officers who were present at the 79th Precinct that night and the lack of documentation identifying officers who were at the stationhouse, the investigation could not clearly establish which officers were present during this incident.

The only TRI report generated for § 87(2)(b) during this incident documented Police Officer Elhanafi's use of force during § 87(2)(b)'s arrest. There were no TRIs found documenting any other use of force against § 87(2)(b) (Board Review #28-29).

The investigation was unable to identify the officers who allegedly struck § 87(2)(b) with batons when the officers first advanced on the protesters. § 87(2)(b) was separated from § 87(2)(b) at the time, so there were no other identifiable witnesses to these allegations. Several other civilians mentioned seeing officers striking protesters with batons but given the number of protesters and officers involved in the incident, it is unclear whether these accounts referred to § 87(2)(b) and the other civilians were unable to describe the officers who used their batons in any detail. None of the officers interviewed recalled observing such an interaction between § 87(2)(b) and any of the officers at the protest.

While police documentation documents § 87(2)(b)'s encounter with Police Officer Elhanafi later on in the incident, § 87(2)(b) made clear that this particular use of force was a separate

encounter involving a different group of officers. As such, Police Officer Elhanafi can be ruled out as a subject officer.

§ 87(2)(g)

Allegation (I) Force: Police Officer Mohamed Elhanafi used physical force against § 87(2)(b).

§ 87(2)(b) stated that she was wearing a black short-sleeved shirt and black shorts during the incident. She lost sight of § 87(2)(b) just before the officers advanced on the protesters. After she fled from the oncoming officers, she found § 87(2)(b) again along Tompkins Avenue, north of the intersection with Greene Avenue. Once they reunited, however, a group of officers came up behind them. § 87(2)(b) was not able to describe them. The officers put their hands on § 87(2)(b) lower back and pushed her forward. This caused § 87(2)(b) to fall face-down onto the sidewalk. § 87(2)(b) stepped between § 87(2)(b) and the officers and told them not to touch her. The officers then forced § 87(2)(b) to the ground and arrested him. Another officer then lifted § 87(2)(b) back to her feet. § 87(2)(b) fled further north on Tompkins Avenue. She suffered a bruise to her left bicep during this incident. She did not seek medical attention.

§ 87(2)(b) stated that after he was forced to the ground and struck with batons at the intersection of Tompkins Avenue and Greene Avenue, he walked north along Tompkins Avenue to look for § 87(2)(b). He found her next to a bus stop in the middle of the block. Police Officer Elhanafi then came up behind § 87(2)(b) and pushed her on her back using either the side of his baton or both of his hands. This action knocked her to the ground. § 87(2)(b) did not see how she landed on the ground. § 87(2)(b) stepped between § 87(2)(b) and the officer to protect her. Police Officer Elhanafi and other officers subsequently arrested § 87(2)(b) and took him into custody. He did not see what happened to § 87(2)(b) after Police Officer Elhanafi pushed her. After the incident, § 87(2)(b) learned that § 87(2)(b) had suffered scabs on her right knee and elbow.

§ 87(2)(b) and § 87(2)(b) stated that they observed a group of officers approach § 87(2)(b) after he walked north on Tompkins Avenue. They observed § 87(2)(b) from inside the park, through the fence. § 87(2)(b) stated that § 87(2)(b) was with § 87(2)(b) at the time. Neither § 87(2)(b) nor § 87(2)(b) mentioned § 87(2)(b) being present at that moment. None of them had been aware of § 87(2)(b) or § 87(2)(b) prior to that moment. None of them were able to describe any of the officers who approached § 87(2)(b).

§ 87(2)(b) stated that § 87(2)(b) was with § 87(2)(b) when she first noticed him. The officers approached the couple and pushed them both to the ground. She was not certain of the order in which they were pushed but believed that the officers pushed § 87(2)(b) first. § 87(2)(b) immediately got up and ran down the block after being pushed. § 87(2)(b) caught up with § 87(2)(b) a few minutes later, after the arrest. § 87(2)(b) was bleeding from her knees.

§ 87(2)(b) and § 87(2)(b) also stated that they first encountered § 87(2)(b) a short time after § 87(2)(b)'s arrest. They had not seen her at the time of the arrest. They had not seen officers use any force against her.

Several of the other civilians recalled seeing officers push female protesters during the incident. Of civilian victims identified in these accounts, only one, a white female dressed in all black

mentioned in § 87(2)(b) statement, resembles § 87(2)(b) description. § 87(2)(b) stated that she observed unidentified officers strike this female three or four times on her torso with batons before pushing her to the ground. The female then stood up and ran away. None of the other civilians described officers using force against any other individuals matching § 87(2)(b) description.

Police Officer Elhanafi stated that when the officers advanced on the protesters, several of the protesters started walking north along Tompkins Avenue. He and several other officers followed them. One of the protesters, identified as § 87(2)(b) lagged behind the other protesters walking along Tompkins Avenue. § 87(2)(b) turned and faced towards the officers. Police Officer Elhanafi told her to move back. He then placed the side of his baton against the front of § 87(2)(b) body, at her center of mass, and pushed forward. § 87(2)(b) appeared angry but did not physically react to this contact. § 87(2)(b) then stepped between Police Officer Elhanafi and § 87(2)(b) identifying himself as her boyfriend. Police Officer Elhanafi did not mention himself or any other officer making physical contact with § 87(2)(b) beyond that.

Police Officer Bay, Deputy Inspector Skretch and Inspector Caban all denied that they interacted with § 87(2)(b) or § 87(2)(b) including § 87(2)(b)'s arrest immediately after Police Officer Elhanafi pushed § 87(2)(b). They stated that they were occupied with other arrests and that they did not see any officers push other civilians to the ground or strike them with batons.

§ 87(2)(b) provided cell phone footage that she recorded during the incident. The footage is attached in IAs #232-233 (Board Review #03-04). The second video shows § 87(2)(b) and several other civilians walking north on Tompkins Avenue, away from the intersection, several uniformed officers follow behind them. At 0:15 into the recording, § 87(2)(b) passes by the bus stop. A female then shouts. A male voice states, "Holy shit!" § 87(2)(b) turns the camera towards the officers. § 87(2)(b) is seen on the ground. The video does not show how this individual came to be on the ground. The individual is not fully seen and it is unclear whether this person is male or female. The sound of breaking glass is heard in the background. Several officers tell § 87(2)(b) and the other civilians to back up. § 87(2)(b) moves away from the bus stop. The individual on the ground is not seen again.

§ 87(2)(b) also provided cell phone footage that he recorded. It is attached in IA #141 (Board Review #10). It also shows a group of officers and civilians marching north on Tompkins Avenue. § 87(2)(b) records them while standing inside the park. At 0:20 into the recording, the bus stop is visible on the street. The same female from § 87(2)(b) video is heard shouting, followed by a male voice stating, "Holy shit" and the sound of breaking glass. § 87(2)(b) is visible lying on the ground. It is not shown how they came to be in this position. A second individual, identified by § 87(2)(b) as § 87(2)(b) is then pushed against a fence and then down to the ground by a group of several uniformed officers wearing helmets. At 0:35 into the recording, an officer lifts another individual seen lying on the ground to their feet. It is unclear if this is the first person who had been seen on the ground or a different person. At 1:05 into the recording, the officers lift § 87(2)(b) up. He asks § 87(2)(b) to look for his girlfriend, identified on the video only as § 87(2)(b). Several uniformed officers walk § 87(2)(b) away.

§ 87(2)(b) also provided cell phone footage of the incident that she recorded. They are attached in IA #135 (Board Review #08). Two of the videos, labeled as "IMG_2617.mp4" and "IMG_2618.mp4," depict the same events as § 87(2)(b) video. § 87(2)(b) also recorded her videos from inside the park. They also show a group of officers forcing § 87(2)(b) to the ground by the bus stop. The videos begin as § 87(2)(b) is forced down and do not show what happened immediately beforehand, including whether officers pushed anybody else before § 87(2)(b).

The investigation determined that § 87(2)(b) and § 87(2)(b)'s videos all took place at approximately the same time due to common geographical features, such as the bus stop, and distinct sounds, such as the shattering of glass heard in both § 87(2)(b) and § 87(2)(b) videos. § 87(2)(b) video makes clear that at least two people ended up on the ground, the second of which was § 87(2)(b). The videos do not clearly show whether the person on the ground before § 87(2)(b) was § 87(2)(b). They do not show § 87(2)(b) or § 87(2)(b)'s interactions with the officers before § 87(2)(b) was pushed down. They do not show if officers pushed the first individual to the ground.

Based on § 87(2)(b)'s corroborating statement, the investigation determined that Police Officer Elhanafi did push § 87(2)(b) to the ground. § 87(2)(b)'s and Police Officer Elhanafi's statements indicate that Police Officer Elhanafi pushed § 87(2)(b) before going on to push § 87(2)(b).

NYPD Patrol Guide procedure 221-01 states that officers may use physical force in order to ensure the safety of themselves or another person or to bring § 87(2)(b) into custody. The use of force must be reasonable under the circumstances. Factors to consider when determining whether a particular use of force was reasonable include the actions taken by the subject, the immediacy of the perceived threat that the subject poses, whether the subject is actively resisting arrest or trying to evade arrest, and the presence of a hostile crowd (Board Review #30).

§ 87(2)(g)

Allegation (J) Force: Police Officer Mohamed Elhanafi used physical force against § 87(2)(b).

It is undisputed that § 87(2)(b) was arrested during the incident. § 87(2)(b) was standing with his girlfriend, § 87(2)(b) next to a bus stop along Tompkins Avenue when he was forced to the ground by several officers, including Police Officer Elhanafi.

As discussed above, § 87(2)(b) stated that he was first knocked to the ground and stuck with batons when the officers first advanced on the protesters. Unidentified officers lifted § 87(2)(b) back up to his feet. § 87(2)(b) then walked north on Tompkins Avenue, meeting § 87(2)(b) by the bus stop. When another unidentified officer pushed § 87(2)(b) to the ground, § 87(2)(b) intervened by stepping between § 87(2)(b) and the officer, facing his back towards the officer. He told the officer not to hit § 87(2)(b). Several officers, whom he could not describe, pushed § 87(2)(b) to the ground by his shoulders and then struck him several times with batons. § 87(2)(b) could not tell how many times he was struck, or which officers struck him. He did not

state where the blows landed. An unidentified male officer then ordered the officers to arrest § 87(2)(b). The officers around § 87(2)(b) then handcuffed him and escorted him into the stationhouse. § 87(2)(b) suffered bruises and scrapes to unspecified parts of his body, as well as a headache and back pains. He did not seek medical attention.

§ 87(2)(b) was separated from § 87(2)(b) at the time of the officers' advance. She met up with him by the bus stop on Tompkins Avenue. An unidentified officer then pushed her to the ground. § 87(2)(b) stepped between § 87(2)(b) and the officer. He held out his arms and told the officer not to touch her. § 87(2)(b) did not state which way he was facing. Several officers, whom § 87(2)(b) could also not describe, surrounded § 87(2)(b). § 87(2)(b) was unable to see the officers clearly from her position on the ground. She did not know what contact the officers made with § 87(2)(b) including whether they hit him. She believed, though, that the officers were on top of § 87(2)(b)'s body. § 87(2)(b) then fled the location. She did not see what happened to § 87(2)(b). § 87(2)(b) was eventually taken into custody and released the next day. § 87(2)(b) saw then that the right side of his face was covered in blood and that he had bruises on his legs and abrasions on his left foot and ankle.

§ 87(2)(b) and § 87(2)(b) stated that they observed a group of officers approach § 87(2)(b) on Tompkins Avenue. None of them had been aware of § 87(2)(b) prior to that moment. § 87(2)(b) stated that § 87(2)(b) was with § 87(2)(b) when she first noticed him. The officers approached the couple and pushed them both to the ground. She was not certain of the order in which they were pushed but believed that the officers pushed § 87(2)(b) first. § 87(2)(b) immediately got up and ran down the block after being pushed. Neither § 87(2)(b) nor § 87(2)(b) saw § 87(2)(b) at that time. They stated that § 87(2)(b) was moving away from the advancing officers when they noticed him.

§ 87(2)(b) and § 87(2)(b) stated that the officers approached § 87(2)(b) and pushed him to the ground, causing him to fall face-down on the sidewalk. They could not describe the exact contact that the officers made. § 87(2)(b) stated that § 87(2)(b) went to the ground as well. She initially stated that § 87(2)(b) may have tripped. She later stated that there was a "commotion" between § 87(2)(b) and several officers before he went to the ground. She did not know if the officers made contact with § 87(2)(b) or caused him to fall to the ground.

Once § 87(2)(b) was on the ground, the officers held him down and placed him in handcuffs. Neither § 87(2)(b) nor § 87(2)(b) observed any officers strike him, including with any batons. The officers then lifted § 87(2)(b) to his feet and escorted him away. § 87(2)(b) noted that § 87(2)(b) was bleeding from one of his arms. Neither § 87(2)(b) nor § 87(2)(b) noticed any injuries.

§ 87(2)(b) stated that he and § 87(2)(b) were both arrested during the incident and lodged inside a holding cell together inside the stationhouse. § 87(2)(b) did not witness § 87(2)(b)'s arrest. He noticed that § 87(2)(b) had bruises on his leg, back and arms. § 87(2)(b) told § 87(2)(b) that officers had struck him repeatedly with batons during his arrest.

Police Officer Elhanafi stated that when the officers advanced on the protesters, several of them started walking away along Tompkins Avenue. He started following this group, which included § 87(2)(b) and § 87(2)(b). § 87(2)(b) started to lag behind the other civilians, so Police Officer Elhanafi pushed her back with the side of his baton. § 87(2)(b) then stepped between him and § 87(2)(b) placing himself about five feet away from Police Officer Elhanafi. § 87(2)(b) stated, "Don't touch my girlfriend." § 87(2)(b) then tensed his shoulders and held both of his fists up in front of him at chest level. Police Officer Elhanafi described this as a "fighting stance."

He feared that § 87(2)(b) was preparing to punch him. Police Officer Elhanafi decided to arrest § 87(2)(b) for disorderly conduct and obstructing governmental administration. He tried to grab § 87(2)(b)'s arms to handcuff him, but § 87(2)(b) prevented him from doing so by waving and flailing his arms. Two other unidentified officers also tried to grab § 87(2)(b)'s arms, but were unable to get a grip on them. After about fifteen to twenty seconds, Police Officer Elhanafi decided to bring § 87(2)(b) to the ground in order to gain control of him. He grabbed § 87(2)(b) with both hands, placing one on the front of § 87(2)(b)'s shirt and another on the back. He then pulled § 87(2)(b) down. § 87(2)(b) fell, landing face-down. The officers then grabbed his arms and pulled them behind his back. § 87(2)(b) tried to prevent them from doing so by holding his arms stiff. After another fifteen to twenty seconds, the officers managed to pull § 87(2)(b)'s arms behind his back and restrain him. Police Officer Elhanafi denied using any force beyond pulling on § 87(2)(b)'s arms and taking him to the ground. He denied punching or kicking § 87(2)(b) or striking him with a baton. He was not aware of § 87(2)(b) suffering or complaining of any injuries. Police Officer Elhanafi jammed his thumb during the struggle but was not otherwise injured. He was not aware of any other officers suffering injuries.

Police Officer Bay denied that he participated in § 87(2)(b)'s arrest. He stated that the only civilian that he assisted in taking into custody was § 87(2)(b). While he processed § 87(2)(b)'s arrest inside the stationhouse, a lieutenant whom he could not identify assigned him as § 87(2)(b)'s arresting officer. § 87(2)(b) was in custody inside the stationhouse as well. Police Officer Elhanafi, who had escorted § 87(2)(b) inside, informed Police Officer Bay that § 87(2)(b) was arrested when he refused to leave the intersection when officers dispersed the crowd. He did not provide any further details, including whether any force was used against § 87(2)(b). Police Officer Bay did not recall observing any injuries to § 87(2)(b).

Deputy Inspector Skretch and Inspector Caban stated that they only witnessed and participated in § 87(2)(b)'s arrest during the incident. They did not witness any of the other arrests made during the protest, including § 87(2)(b)'s.

§ 87(2)(b)'s arrest report was prepared by Police Officer Bay. The narrative of the report states that § 87(2)(b) refused to disperse from the incident location. He assumed a “fighting stance” towards officers. When officers tried to arrest him, he flailed his arms and tensed his body (Board Review #01).

Police Officer Elhanafi prepared a TRI report to document his interaction with § 87(2)(b). It states that he wrestled with § 87(2)(b) and forced him to the ground to overcome § 87(2)(b)'s resistance, to defend himself, and defend other officers. The narrative states that § 87(2)(b) “squared up” into a “fighting stance.” When officers tried to arrest him, § 87(2)(b) flailed his arms and tensed his body (Board Review #28-29).

The MTPR generated for § 87(2)(b)'s arrest stated that he suffered bruising to his right leg during his arrest. § 87(2)(b) refused medical attention (Board Review #31).

§ 87(2)(b) provided cell phone footage that she recorded during the incident. The footage is attached in IAs #232-233 (Board Review #03-04). Her second video shows her and a group of civilians walking north on Tompkins Avenue, followed by a group of uniformed officers. When they pass the bus stop, § 87(2)(b)'s video briefly shows § 87(2)(b) lying on the ground. It does not clearly show who that individual was. It does not show what they were doing immediately before being on the ground or how they came to be there. The video does not show if the officers made any contact with that individual while on the ground.

§ 87(2)(b) also provided cell phone footage that he recorded. It is attached in IA #141 (Board Review #10). It also shows a group of officers and civilians marching north on Tompkins Avenue. § 87(2)(b) records them while standing inside the park. At 0:20 into the recording, the bus stop is visible on the street. The same female from § 87(2)(b) video is heard shouting, followed by a male voice stating, “Holy shit!” § 87(2)(b) is seen lying on the ground. It is not shown how they came to be in this position. A second individual, identified by § 87(2)(b) as § 87(2)(b) is then pushed against a fence and then down to the ground by a group of several uniformed officers wearing helmets. The officers surround § 87(2)(b). The video does not clearly show what actions they take. Some of the officers hold batons in their hand, but the video does not show any of them swinging the batons at § 87(2)(b). At 0:35 into the recording, an officer lifts another individual seen lying on the ground to their feet. It is unclear if this is the first person who had been seen on the ground or a different person. At 1:05 into the recording, the officers lift § 87(2)(b) up. He asks § 87(2)(b) to look for his girlfriend, identified on the video only as § 87(2)(b). § 87(2)(b) does not appear to have any injuries. Several uniformed officers walk § 87(2)(b) away.

§ 87(2)(b) also provided cell phone footage of the incident that she recorded. They are attached in IA #135 (Board Review #08). Two of the videos, labeled as “IMG_2617.mp4” and “IMG_2618.mp4,” depict the same events as § 87(2)(b) video. § 87(2)(b) also recorded her videos from inside the park. They also show a group of officers forcing § 87(2)(b) to the ground by the bus stop. The videos begin as § 87(2)(b) is forced down and do not show what happened immediately beforehand, including whether officers pushed anybody else before § 87(2)(b).

As discussed in the previous allegation, it has already been established that Police Officer Elhanafi pushed § 87(2)(b) to the ground while she was walking away from the intersection. The balance of testimony indicates that § 87(2)(b) stepped between § 87(2)(b) and Police Officer Elhanafi to protect her. His behavior after he stepped between them is unclear. § 87(2)(b) stated that he stood with his back towards Police Officer Elhanafi, while Police Officer Elhanafi stated that § 87(2)(b) faced towards him and held up his fists. None of the video footage clearly depicts this interaction. § 87(2)(g)

Police Officer Elhanafi, assisted by several unidentified officers, then forced § 87(2)(b) to the ground, where he was arrested. The video shows officers pushing § 87(2)(b) against a fence and then down onto the ground. The video does not clearly show what contact the officers make with § 87(2)(b) on the ground. While § 87(2)(b) stated that the officers who forced him to the ground struck him repeatedly with batons, this was contradicted by § 87(2)(b) and § 87(2)(b). While the three witnesses stated that they did not clearly see the contact the officers made with § 87(2)(b) they all denied seeing officers strike him with batons. The video footage shows several of the officers near § 87(2)(b) were holding batons. None of these officers, however, are seen striking § 87(2)(b) with the batons or swinging them in his direction. § 87(2)(g)

NYPD Patrol Guide procedure 221-01 states that officers may use physical force in order to ensure the safety of themselves or another person or to bring § 87(2)(b) into custody. The use of force must be reasonable under the circumstances. Factors to consider when determining whether a particular use of force was reasonable include the actions taken by the subject, the immediacy of the perceived threat that the subject poses, whether the subject is actively resisting arrest or trying to

evade arrest, and the presence of a hostile crowd (Board Review #30).

§ 87(2)(g)

Allegation (K) Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) stated that after Police Officer Elhanafi pushed § 87(2)(b) to the ground, he stepped between the two of them. Police Officer Elhanafi and several other officers struck him with batons, knocking him to the ground. § 87(2)(b) was not able to describe the other officers in any detail. These officers struck him with batons several more times along his body after he fell to the ground.

§ 87(2)(b) also stated that several officers forced § 87(2)(b) to the ground after Police Officer Elhanafi shoved her. She was also unable to describe these officers. She did not see what contact the officers made with § 87(2)(b) left the area before she saw what happened to § 87(2)(b) once he was on the ground.

§ 87(2)(b) and § 87(2)(b) stated that they observed a group of officers force § 87(2)(b) to the ground on Tompkins Avenue and arrest him. None of them were able to describe the officers who took § 87(2)(b) into custody.

§ 87(2)(b) did not witness § 87(2)(b)'s arrest. They first encountered each other in a holding cell inside the stationhouse, where § 87(2)(b) alleged that officers had struck him repeatedly with batons during his arrest.

§ 87(2)(b) and § 87(2)(b) all described officers pushing protesters to the ground and striking them with batons. They did not describe these individuals in detail. It is unclear whether any of these individuals were § 87(2)(b) or § 87(2)(b).

Police Officer Elhanafi stated that § 87(2)(b) stepped between him and § 87(2)(b) after he pushed § 87(2)(b). He decided to arrest § 87(2)(b) after § 87(2)(b) raised his fists into a fighting stance. Police Officer Elhanafi attempted to grab § 87(2)(b)'s hands and arrested him for disorderly conduct and obstructing governmental administration. Two other officers assisted him in this action. Police Officer Elhanafi did not know who they were or what command they were from. These officers continued assisting Police Officer Elhanafi in grabbing § 87(2)(b)'s arms after Police Officer Elhanafi pulled § 87(2)(b) to the ground.

Deputy Inspector Skretch and Inspector Caban stated that they only witnessed and participated in § 87(2)(b)'s arrest during the incident. They did not witness any of the other arrests made during the protest, including § 87(2)(b)'s.

As discussed above, due to the scale of the police response to the citywide protests on May 29, 2020, the large number of officers who were present at the 79th Precinct that night and the lack of documentation identifying officers who were at the stationhouse, the investigation could not clearly establish which officers were present during this incident.

The TRI generated for § 87(2)(b)'s arrest identified Police Officer Elhanafi as one of the officers who took him into custody. It does not identify any other officers involved in § 87(2)(b)'s arrest (Board Review #28-29).

As discussed above, the officers' interactions with § 87(2)(b) and § 87(2)(b) were recorded by § 87(2)(b) and § 87(2)(b) (Board Review). § 87(2)(b) video does not clearly show the officers or their contact with the two civilians. § 87(2)(b) and § 87(2)(b)'s videos both show several uniformed officers forcing § 87(2)(b) to the ground. § 87(2)(b) video appears better lit and presents a clearer image. The videos do not show any identifying information for the officers, such as their nameplates.

Police Officer Elhanafi was shown § 87(2)(b) video. He confirmed that the individual seen being forced to the ground is § 87(2)(b). After viewing the footage, he was unable to tell whether any of the officers in the video was him. He could not identify any of the officers. Police Officer Bay was also shown this footage, but he was not able to identify any of the officers either.

As was also determined in the previous allegation, the video footage as well as witness testimony indicates that the officers who forced § 87(2)(b) to the ground did not strike him with batons while doing so.

§ 87(2)(g)

Allegation (L) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that when the officers advanced on the civilians in front of the park, an unidentified officer walked up to him and raised a baton over his head. § 87(2)(b) assuming that the officer was going to swing the baton down and strike him, raised both of his hands over his head to protect himself. § 87(2)(b) described himself as being positioned "like a boxer." He denied tried to strike the unidentified officer. The unidentified officer did not ultimately strike § 87(2)(b) with his baton.

The other civilians who were interviewed alleged that several officers used physical force against various protesters during the incident, including striking them with batons. They provided limited descriptions of the subject officers, the victims and the specific force used. None of these civilians identified § 87(2)(b) specifically as a victim. None of the civilians alleged seeing an officer raise a baton over their head without striking somebody.

Police Officer Bay stated that when the officers advanced towards the protesters to disperse them, he noticed § 87(2)(b) blade his body towards an unidentified officer. Police Officer Bay was about fifteen feet away from § 87(2)(b) at the time. He characterized § 87(2)(b)'s position as a "fighting stance." He did not know who this officer was and did not recall what the officer looked like. The unidentified officer responded to § 87(2)(b)'s stance by holding a baton horizontally in front of his body at chest level. The officer did not raise the baton over his head or try to strike § 87(2)(b) with it. § 87(2)(b) pushed the officer's baton downwards and then swung one of his arms at the officer. Police Officer Bay could not see if § 87(2)(b)'s hand was balled into a fist. Police Officer Bay then moved to intervene and arrest § 87(2)(b) for threatening the unidentified officer.

Police Officer Elhanafi stated that his attention was focused on § 87(2)(b)'s arrest during this incident and that he was not aware of § 87(2)(b)'s arrest. Deputy Inspector Skretch and Inspector Caban stated that they only witnessed and participated in § 87(2)(b)'s arrest during the incident. They did not witness any of the other arrests made during the protest, including § 87(2)(b)'s, and were not aware of an officer punching a civilian in the face.

None of the videos obtained from this incident depict § 87(2)(b)'s arrest.

As discussed above, due to the scale of the police response to the citywide protests on May 29, 2020, the large number of officers who were present at the 79th Precinct that night and the lack of documentation identifying officers who were at the stationhouse, the investigation could not clearly establish which officers were present during this incident.

The TRI generated for § 87(2)(b)'s arrest identifies Police Officer Bay as the officer who punched § 87(2)(b) and took him into custody. The report does not identify any other officers involved with § 87(2)(b)'s arrest (Board Review #32).

§ 87(2)(g)

Allegation (M) Force: Police Officer Thomas Bay used physical force against § 87(2)(b).

It is undisputed that Police Officer Bay punched § 87(2)(b) in the face after an unidentified officer confronted § 87(2)(b). Police Officer Bay then placed § 87(2)(b) in handcuffs and escorted him into the 79th Precinct stationhouse.

§ 87(2)(b) stated that when the officers advanced on the civilians in front of the park, an unidentified officer walked up to him and raised a baton over his head. § 87(2)(b) assuming that the officer was going to swing the baton down and strike him, raised both of his hands over his head to protect himself. § 87(2)(b) described himself as being positioned "like a boxer." He denied tried to strike the unidentified officer. The unidentified officer did not ultimately strike § 87(2)(b) with his baton. While § 87(2)(b) was still in his defensive position, however, Police Officer Bay stepped him to him and punched § 87(2)(b) four times on the right side of his face. § 87(2)(b) kept his hands positioned by his head as Police Officer Bay struck him. § 87(2)(b) suffered lacerations inside his mouth and bruising on his left cheek as a result of these blows. He

did not seek medical attention for his injuries. Police Officer Bay escorted § 87(2)(b) into the stationhouse and lodged him in a holding cell.

The other civilians who were interviewed alleged that several officers used physical force against various protesters during the incident. They provided limited descriptions of the subject officers, the victims and the specific force used. None of these civilians identified § 87(2)(b) specifically as a victim. None of the civilians alleged seeing an officer punch a civilian in the face.

Police Officer Bay stated that when the officers advanced towards the protesters to disperse them, he noticed § 87(2)(b) blade his body towards an unidentified officer. Police Officer Bay was about fifteen feet away from § 87(2)(b) at the time. He characterized § 87(2)(b)'s position as a "fighting stance." The unidentified officer responded by holding a baton horizontally in front of his body at chest level. The officer did not raise the baton over his head or try to strike § 87(2)(b) with it. § 87(2)(b) pushed the officer's baton downwards and then swung one of his arms at the officer. Police Officer Bay could not see if § 87(2)(b)'s hand was balled into a fist. Fearing that § 87(2)(b) was trying to punch the unidentified officer, Police Officer Bay moved to intervene. When he reached § 87(2)(b) he punched him once or twice on his mouth. Several other unidentified officers then joined Police Officer Bay in handcuffing § 87(2)(b). While they were doing so, § 87(2)(b) fell backwards, landing on his backside. Police Officer Bay denied that he or the other officers caused § 87(2)(b) to do so. The officers then lifted § 87(2)(b) back up to his feet and walked him into the stationhouse. § 87(2)(b) was physically compliant after that point.

Police Officer Elhanafi stated that his attention was focused on § 87(2)(b)'s arrest during this incident and that he was not aware of § 87(2)(b)'s arrest. Deputy Inspector Skretch and Inspector Caban stated that they only witnessed and participated in § 87(2)(b)'s arrest during the incident. They did not witness any of the other arrests made during the protest, including § 87(2)(b)'s, and were not aware of an officer punching a civilian in the face.

§ 87(2)(b)'s arrest report, prepared by Police Officer Bay, states that officers told § 87(2)(b) to step back multiple times. § 87(2)(b) swung his fist at an officer before assuming a "staggered fighting position" with his hands raised. He then prevented officers from placing his hands behind his back by flailing his arms and tensing his body (Board Review #02).

The TRI prepared for § 87(2)(b)'s arrest identifies Police Officer Bay as the officer who punched him in the face. The report states that § 87(2)(b) swung his fists towards unspecified officers and actively resisted arrest by both flailing and tensing his arms. Police Officer Bay used a hand strike to prevent § 87(2)(b) from injuring other officers. § 87(2)(b) suffered an abrasion and swelling to his lip (Board Review #32). The report included a photograph of § 87(2)(b) with an abrasion on the right side of his mouth (Board Review #33).

The MTPR prepared for § 87(2)(b)'s arrest states that § 87(2)(b) received a laceration to his lip during his arrest. § 87(2)(b) refused medical attention (Board Review #34).

§ 87(2)(b)'s arrest was not depicted in any of the videos or photographs provided by the civilians.

NYPD Patrol Guide procedure 221-01 states that officers may use physical force in order to ensure the safety of themselves or another person or to bring § 87(2)(b) into custody. The use of force must be reasonable under the circumstances. Factors to consider when determining whether a particular use of force was reasonable include the actions taken by the subject, the immediacy of the

perceived threat that the subject poses, whether the subject is actively resisting arrest or trying to evade arrest, and the presence of a hostile crowd (Board Review #30).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (N) Discourtesy: Police Officer Thomas Bay spoke discourteously to § 87(2)(b)

[REDACTED]

It is undisputed that Police Officer Bay escorted § 87(2)(b) into the 79th Precinct stationhouse after his arrest.

§ 87(2)(b) stated that while Police Officer Bay escorted him into the stationhouse, he accused § 87(2)(b) of “talking a lot of shit” during his arrest earlier. None of the other civilians interviewed were present during this time. None of them alleged hearing an officer using profanity inside the stationhouse.

Police Officer Bay denied that he used profanity at any point during the incident. None of the other officers interviewed recalled any officers using profanity towards any civilians. They denied having any direct interaction with § 87(2)(b) themselves.

None of the video footage provided by the civilians depicted § 87(2)(b)'s arrest or his time in the stationhouse.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g), § 87(4-b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegations Not Pleaded

Both Inspector Caban and Deputy Inspector Skretch stated that when the officers dispersed the protesters from the intersection, they observed a group of officers struggling with one of the protesters, whom they would eventually identify as § 87(2)(b). Neither of them recalled who these officers were or why they were struggling with § 87(2)(b). § 87(2)(b) was swinging his arms at the officers. The officers forced § 87(2)(b) to the ground and handcuffed him. Deputy Inspector Skretch further stated that the officers struck § 87(2)(b) with batons. § 87(2)(b) was arrested. When he was searched at the 79th Precinct stationhouse's front desk, he was found to have a firearm in his pockets. § 87(2)(b) was charged with criminal possession of a weapon, resisting arrest, unlawful

assembly and disorderly conduct (Board Review #26).

The investigation was unable to obtain a statement from § 87(2)(b) (Board Review #14). None of the other civilians or officers mentioned § 87(2)(b) in their statements. While several of the civilians mentioned officers striking other protesters with batons, none of the victims that they described matched the description of § 87(2)(b) listed on his arrest report. § 87(2)(b)'s arrest was not recorded on any of the videos provided by the civilians.

Because none of the civilians provided any testimony about § 87(2)(b)'s arrest or filed a complaint about the officers' conduct towards him during this incident, physical force and nightstick as a baton allegations have not been pleaded in regards.

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) or § 87(2)(b) has been a party to (Board Review #36).
- Police Officer Bay has been a member of the service for five years and has been listed as a subject in two previous CCRB complaints and three allegations, none of which have been substantiated. § 87(2)(g)
- Police Officer Elhanafi has been a member of the service for seven years and has been listed as a subject officer in ten previous CCRB complaints and 29 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation.
- As of December 31, 2020, none of the civilians have filed a Notice of Claim regarding the incident with the NYC Office of the Comptroller.
- § 87(2)(b)
- § 87(2)(b)
- According to OCA, neither § 87(2)(b) nor § 87(2)(b) has a history of criminal convictions in New York City (Board Review #37).

Squad No.: 15

Investigator: Owen Godshall Inv. Owen Godshall 03/01/2021

Date

Reviewer: _____

Signature Print Title & Name Date